

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, December 5, 1989 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski, "May I have a motion to approve the Board Meeting Minutes of November 8, 1989 and November 21, 1989. Well, why don't we just hold off. Reports."

REPORTS

Sewer District-Discharge Monitoring Report for October, 1989
Filed

Dvirka & Bartilucci-Small Scale Yard Waste Composting Operations Engineering Report.
Filed

Building Department-For month of November, 1989. Filed

OPEN BID REPORT - Promenade Drive Recharge Basin. Filed

Bid Date: November 30, 1989
7 Bids Submitted

#1 NAME: Patrick Bistran
ADDRESS: East Hampton, NY
TOTAL BID: \$37,775.00

#2 NAME: John Gozo, Jr. Contractors
ADDRESS: Melville, NY
TOTAL BID: \$47,770.00

#3 NAME: Riverhead Cement Block
ADDRESS: Riverhead, NY
TOTAL BID: \$53,450.00

#4 NAME: Grimes Contracting
ADDRESS: Montauk, NY
TOTAL BID: \$51,075.00

#5 NAME: A.M.B. Equipment Leasing Corp.
ADDRESS: Oyster Bay, NY
TOTAL BID: \$109,821.00

#6 NAME: Duck Industries
ADDRESS: Islip, NY
TOTAL BID: 135,311.00

OPEN BID REPORT - MAIN STREET LIGHTING

Filed

Bid Date: December 4,, 1989
4 Bids Submitted

#1 NAME: Damon Electric
ADDRESS: Ronkonkoma, NY
TOTAL BID: \$112,493.00
ALT. BID: \$110,946.00

#2 NAME: Celi Electric Lighting
ADDRESS: Westhampton Beach, NY
TOTAL BID: \$127,300.00
ALT. BID: \$120,800.00

#3 NAME: Hinck Electrical Contractor, Inc.
ADDRESS: Islip Terrace, NY

TOTAL BID: \$139,113.00

#4 NAME: Budin Contracting Corp.
ADDRESS: Huntington Station, NY
TOTAL BID: \$174,300.00
ALT. BID: \$173,000.00

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS

Water District Ext.-Parviz Farahzad for subdivision "Sunwood at Wildwood". Filed

Site Plan-Brasby's Restaurant, Aquebogue-Construct building for storage. Filed

Site Plan-Dr. Antonio Flores-Addition of office space. Filed

Special Permit-Peter Danowski, Jr.-Requests PB overlay for office on Roanoke Avenue. Filed

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Southampton Town-Notice of Adoption, Chapter 60, Subdivision of land; Chapter 69 Zoning. Filed

County of Suffolk-Advising of Southampton Notice of Adoption and if no objection received by December 17, 1989, it will be assumed there are none.

H2M-Copy of letter to Little Flower Children's Services re: Extension 35, asking that they forward check for town deposit. Filed

John Johnsen, 11/27/89-Update on status of Church Lane improvements. Filed

Pierre Lundberg, 11/28/89-Notification of claim against contractor regarding Scavenger Waste Plant. Filed

Dump Fees: Letters of opposition regarding the proposed increase in landfill fees received from 167 residents. Filed

Supervisor Janoski, "The first scheduled public hearing is at 7:45. That time has not yet arrived. We have a list on the back of the agenda of Unfinished Business. You can see its status that is presented there. I would open the meeting to comment on any subject at this time. Anyone wish to be recognized? Mr. Haizlip."

Steve Haizlip, Calverton, "Well, I've kept quiet long enough. So I guess it's time that I bring up this issue. I want to get a big mirror on Edwards Avenue and Railroad Avenue when you're coming up to Edward's Avenue from the west. So that I can look in that mirror and look up Edwards Avenue by that lumberyard and tell if there's any vehicles coming down in the right lane. I'll sit there and I'll wait clear down below, it's all clear. I ease out, all of a sudden here comes a vehicle down in the right lane from the north and he's flying. Now, I'm right here and what do I do? Can I back up or can I shoot forward and get clear of him? I'll tell you, it's beginning to get close calls. So we've got to do something about that. Something has got to be done. You can't see up that road where all the vehicles ride up in that lumberyard. It's lucky that we haven't had a serious accident there. Now, second item; do you remember at the last meeting I brought up about the injustice of these insurance companies sending in to the Motor Vehicle Bureau about people changing insurance and cancelling out and the insurance companies are giving the wrong dates when they send it to the Motor Vehicle Bureau that you've been driving without liability insurance and which you have. But now I have contacted Mr. LaValle and I'm saying it's not fair that an insurance company can send a notice to them and not send something to you to give you a fair chance to fight for yourself in this country. So Mr. LaValle has promised that that's unfair and he's taking it up. Okay. Number three item. I have received information and I want to check this out to see if it's true. The part of Sound Avenue and Route 25 has supposed to been acquired by the town for a highway satellite station at \$180,000. It is no longer \$180,000. Some kind of an error has been made and it's up to \$480,000. If this is true, it seems like someone is spending money (as Monty Hall would say) and let's make a deal. I mean do you got any reply to that Joe or any Board members?"

Supervisor Janoski, "Sure. It took me a while to figure out what you were talking about. It's a Highway Department substation. When you said satellite station, I said where are we building one of these. The property was identified a couple of years ago as an excellent location for a Wading River substation. I believe it's about four acres. There was an appraisal done on the property which was in the area of that first figure that you mentioned. If memory serves me, and this is a question of litigation, so I'm going to have to be very careful, the owners did not agree to that particular price and another price was put forward. This is a subject we are debating right now with the owner of the property and we hope that we will be able to keep the price down."

Steve Haizlip, "My final comment before I leave from here. I hope this wasn't a nibble that those people sucked us in and now they've got you praying and say you're going to pay this or you're not going to get it."

Supervisor Janoski, "Well, I have to tell you the truth Steve, there is that potential."

Steve Haizlip, "Okay. I'm glad you're owning up."

Supervisor Janoski, "The town did move forward with the condemnation of that property and we do have the beginning of a Highway Department substation there in the form of a salt storage barn, salt and sand storage barn. But we are taking the necessary legal action to try to protect the interest of the town."

Councilwoman Civiletti, "Can I add something to that?"

Steve Haizlip, "Yes, go ahead Denise."

Councilwoman Civiletti, "I'll try to be careful because I know that this is in litigation. We are in fact, in the middle of the condemnation proceeding which is a litigation matter. But also, there may be some litigation against people who gave us advice that we acted upon in selecting this property because we are.... I can't disclose everything but the property is now being represented as something it was not represented as in terms of its use and value. So we got one set of facts upon which the Board made a decision a year or two ago and we're now being told that those aren't the facts at all. The facts are very different. Now the property is worth X amount of dollars more than that."

Steve Haizlip, "So the old stall act. Well, there's an attorney right there at the desk. So let him fight for us."

Supervisor Janoski, "And that's what she's doing. Henry."

Henry Pfieffer, Wading River, "Mr. Supervisor, several months ago in the face of this budgetary conflict at the county level, we were threatened with the curtailment of bus transportation routes in the area. And subsequent to that, the Town Board enacted or passed a resolution sent on to the County Executive a request that these bus routes not be curtailed or eliminated. Have we received any response or decision on that?"

Supervisor Janoski, "Yes. That would have come in the form of correspondence and I'm not aware of any reply that we have had from anyone at the county level."

Henry Pfeiffer, "Thank you."

Supervisor Janoski, "Bill and then we'll get you Dick."

Bill Nohejl, Aquebogue, "Two weeks ago I came in and complained about no lights on the flag. At 6 o'clock this evening there are still no lights on the flags."

Supervisor Janoski, "I've been told that the one location has been repaired. The other one is a question of a transformer and we're going to have the flag taken down until such time we can get that transformer fixed."

Bill Nohejl, "Now, I was visiting Jamesport. Out by the gazebo they put up a flag. There's one in front of the main building on South Jamesport Avenue and there's one on Main Road. The one on Main Road has been disconnected, the light, to light the Christmas tree. The light is there but it's not working. Now, I request, this is the last time I'm going to request, if they're not taken down by tomorrow night, I will take them down. You can have the Police Chief there. Issue me a summons, arrest me, be my guest but they're going to come down. Either you take them down or I take them down. The three of them. The one on Stotsky Park is not lit. It's not lit."

Supervisor Janoski, "That's the one with the transformer."

Bill Nohejl, "Why isn't the flag taken down?"

Supervisor Janoski, "Listen Bill."

Bill Nohejl, "We're paying people to do this kind of work in this town."

Supervisor Janoski, "They have been told, Bill, to take the flag down. If they failed to do it, we're going to... Why don't you stop by and see why they don't do what they're supposed to do?"

Bill Nohejl, "I brought it to your attention two weeks ago. You're the chief."

Supervisor Janoski, "You're right. We will absolutely. If they have failed to take down that flag, they will hear it again."

Bill Nohejl, "The three flags."

Supervisor Janoski, "What's the matter with the one in front of the Town Hall?"

Bill Nohejl, "It's not funny Joe."

Supervisor Janoski, "Bill, no it's not funny. But you know what's funny is that there's a light out there. There was when I pulled in here this evening."

Bill Nohejl, "I said three, I said three."

Supervisor Janoski, "And listen, in the midst of all the items that we have done in the past two weeks, I did say that these lights have got to be fixed and that issue has got to be taken care of because I don't want Bill Nohejl standing at that microphone tonight telling me it's not done. I have reported to you that one of them supposedly was fixed. The other one can't be fixed until the transformer is repaired and they have been told to take down that flag every night. Now, I don't know what else I can do Bill."

Bill Nohejl, "Take it down and keep it down until the light is repaired. Also, while I'm up here. Resolution 808-812 I wish to be tabled until after the first of the year because who is going to come out just prior to Christmas at a Town Board Meeting hearing? There are numbers of.... That's on the 18th and the 19th is a Town Board meeting. I think it's sort of ridiculous. Thank you."

Supervisor Janoski, "Okay. Dick Benedict."

Dick Benedict, Fanning Boulevard, "I would just like to verify what Haizlip said about Railroad Avenue and Edwards Avenue. It's a little use road. But when Grumman is coming out there, it's dangerous. Especially if there is sand on the road and you try to get out of there in a hurry. You just can't hardly make it. And it's strictly because the people at Old Mill Lumber are parking on property that probably they shouldn't be on."

Supervisor Janoski, "You mean they're blocking the line of sight?"

Dick Benedict, "They're blocking the line of sight. That's the major problem and maybe even the corner of their fence. But it is dangerous and I know because I use it every day of the week. Thank you."

Supervisor Janoski, "Thank you Dick. It is time for the first public hearing. I will open it up again before we take up the resolutions. Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 5, 1989 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: Local Law entitled, "Coastal Zone Management".

Supervisor Janoski, "Thank you."

Pat Moore, Town Attorney, "This is the second public hearing we're having on the town's proposed Coastal Zone Management Local Law. For those of you who weren't here the first time, the D.E.C. in 1981, adopted regulations that would require the control and the inventory of the coastal erosion hazard area. With that, the D.E.C. prepared certain regulations and gave the town the choice of either implementing their own regulations. If they did not, then the county would have the option of doing so. And if neither the town or the county acted, then the D.E.C. would retain control. Based on that, we have prepared a Local Law and the changes which have occurred from the first version are essentially two points that were significant to require the second public hearing. The first point is that, and this was based on the comments that were made at the public hearing, that the coastal management zone has been eliminated from the code. That was a third setback. We have the erosion hazard area bluff line which is a D.E.C. line. Then the erosion buffer zone which is a setback that has been traditionally applied by the town through its subdivision and site plan process. The second issue which was raised at the first public hearing which we've adopted into this version is the grandfathering of any structures which are in existence as of the date that we adopt this code. The original legislation had a date of April 2, 1983 which was based on maps and the issue was raised that the maps may not be as thorough and as precise as we would like. So those are the two significant points. And we'd welcome any other comments you might have."

Supervisor Janoski, "Thank you Pat. Is there anyone present wishing to address the Town Board on the matter of the Coastal Zone Management plan as proposed and amended? Mr. Danowski."

Peter Danowski, Attorney, "I just have some concerns about the need to create this particular ordinance or regulation, whether the town has ever considered challenging the D.E.C.'s edict here that unless you adopt this ordinance, the county is going to get the opportunity and then ultimately the state. And it reminds me of other ordinances that have been passed out of fear of retribution from the state whereby no one has ever reviewed the state's legislation when they've enacted their own regulations. And I'm concerned because I've seen what's happened along the Peconic River and I've seen how slow the state has been to roll back the half mile limitation along West Main Street. I think we're going to run into a similar problem. I also thing back to approximately 15 years ago when we talked about tidal and freshwater wetlands and the initial comments that we heard were that if the town were adopt an ordinance and if the wetlands were mapped, the state was going to get out of the business. And what happened after that was, we got a double hit. Anyone that had owned some property that fell within the jurisdiction of freshwater or tidal wetlands, had to make an application to the state and seek their permission and had to apply to the town for their permission. So I don't know the state is going to get out of the business even if you adopt it based upon their past history and I

don't think it's fair to property owners. I'll tell you what else concerns me is the tax base in the town and the fact that we've had a lot of summer houses that have been built up along the Sound for many many years. And they are owned by people, many of whom are local people but other people who come out here in the summer. They want to come out here now perhaps in retirement and put additions onto their homes or build homes on the sites. That will not hurt the town. It will increase the tax base by creating more attractive homes that you can tax for higher tax dollars. But what's going to happen is you're going to prevent these people from doing it. And I don't see anything wrong with someone like Jack Bagshaw who repair and remodeled his house down near the beach, down at the end of Iron Pier. It's a very attractive home. He made us a perfect example of what could be done that may not be allowed to be done if you adopt such an ordinance. I've also said in difference to probably some of my opponents on applications, that perhaps housing is not the only thing can be built along the bluff lines on some of the large farms. And I've tried to talk some developers into considering building a golf course. And I've kind of said to them in making the pitch more attractive, perhaps you could make this like out in California at Pebble Beach or somewhere where you have some attractive golf holes along the water with a view of the Sound but you're going to prevent that from happening if you adopt such an ordinance. So I'm asking you to rethink whether you truly want to adopt this ordinance or whether you might want to consider what you've considered doing on the River's Act and litigate this matter and challenge the right of the state to announce that you must adopt this ordinance or they'll have one. And I think it's also important to say that if you're going to adopt such an ordinance, make sure you do it with the provision that the state gets out of the business of regulating your land if you get into it."

Supervisor Janoski, "Thank you Peter."

Cynthia Young, Sound Shore Road, Northville, "On one of the issues that Peter just raised; preexisting structures. I see that in the code we're talking about repairing and remodelling to the point we're adding 25% to the footage. Well, I wondered would you be able to include rather than the rebuilding of an existing structure, the replacement of an existing structure keeping within the same footprint? Along the lines of replacing a summer shack with a year around structure. Another area that I would like you to consider would be to include the provision of moving an existing structure back from that coast line area if there is ample room on the lot to just move the house. I don't think that was covered in everything that's been talked about."

Supervisor Janoski, "Thank you."

Warren McKnight, Wading River, "I wish to comment on Mr. Danowski's remark; litigate. I wish the town to hold off on litigation and exhaust all of the possibilities. I think there's

too many lawyer's fees. For example, the Shoreham Nuclear Power Plant and Suffolk County. A recent newspaper article in reference that it's cheaper to go with the state instead of litigate. So please, try and exhaust all avenues of redressment with our elected officials, with anything. But please. It's like me saying we have to play banjo on the beach, it should be a state law. So please take that in mind. Thank you."

Supervisor Janoski, "Thank you Warren. Mr. Talmage."

Henry Talmage, Sound Avenue, "I have a bit of a question on this that maybe you could help me with. I understand that the D.E.C. has required the town to make a decision as to whether or not this is going to be handled on a local rule basis."

Supervisor Janoski, "I think it's the Department of State."

Henry Talmage, "Regardless, it's what we're faced with. The question I have is within those requirements is the erosion buffer zone part of the requirement that the state has put a minimum on which is that blue booklet which is, I believe, the hazard line is the erosion buffer zone spelled out in that booklet at the hundred foot level. I don't know if you're able to answer that."

Supervisor Janoski, "George, did you hear the question?"

Henry Talmage, "The question was whether the erosion buffer zone was part of the requirement of the D.E.C. as spelled out in the booklet put forth by the minimum regulations."

Supervisor Janoski, "Do you have any other questions?"

Henry Talmage, "Yes. I have some things."

Supervisor Janoski, "Why don't you go through them."

Henry Talmage, "I may be wrong on this. But the way I understood it was that was something added in an additional tier of regulation added by the town above and beyond what the D.E.C. has placed as a requirement. And as Mr. Danowski said in dealing with the River's Act, the D.E.C. has been called many things over the last few years but one of them has that they've been very conservative as far as regulations. If it is not part of the requirement, I would suggest that we don't need that erosion buffer zone. Simply because in the site plan process, I've heard time and time again it's been considered in the site plan review and a site plan process that's already being done as applications are being processed. If we do need it or if the Board decides that we do need it, I have a potential problem with it just in that it may get away from what is considered strictly erosion issues. And in the draft on page 19 which is part of section 7, it says standards for issuance of erosion buffer zone permits and under subcategory A; a permit will be issued only if the town

finds the proposed regulated activity one; is reasonable and necessary considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location. And then it goes on to list that it will not likely cause measurable increase in erosion and it addresses the erosion aspects of the particular activity. Which, if it is necessary to have this, that part of it is not a problem so much. The problem is number one; where the town determines whether it's reasonable and necessary considering reasonable alternatives to the proposed activity. I'll use Mr. Danowski's example again with the golf hole that's next to the shoreline. If it's determined by whether the C.A.C. or the Planning Board that a golf hole does not necessarily have to be within that buffer zone. You can have a golf hole anywhere on a piece of property. Even though all measures have been taken to mitigate any erosion or even perhaps improve some erosion by proper techniques, we could be situated with something that has been determined not reasonable and necessary because it could be placed somewhere else. That is a danger I feel within that buffer zone that projects that would not adversely effect erosion problems or in fact, maybe improve erosion problems; could not go forward because it's not determined reasonable and necessary. Furthermore, on page 28 of the proposal. In the variance criteria, also if no reasonable prudent alternative site is available and then goes on to list the erosion things that must be addressed before that can happen and before it can be given the go ahead. Again, the reasonable prudent alternative could be that well, there are other places you can put (say) a house. If it was built in the buffer zone it could take advantage of a beautiful view but you could build a house somewhere else. It doesn't have to have the view which could adversely effect the value of that house or the value of a golf hole or whatever it is. I worry about that. To get away from what is an erosion issue versus what is an issue of perhaps less issues that don't really pertain to erosion. My statement would be that the town should adopt the D.E.C.'s regulations as they're written. Realizing a lot of work has been put into what they call historically data and things in determining that hazard line which I think many people will recognize is not an ideal line. And in many cases, perhaps it was drawn very conservatively towards the side of protecting the bluffs and the other features along there. But to add another hundred feet to it is a question of; if we're going to add to that hundred feet, what criteria did we use to establish that hundred feet other than it's just a hundred feet. And so I would said we should adopt the D.E.C. proposal as written and retain local control on the matter but not add to the problem by adding on additional buffer zones."

Supervisor Janoski, "Would you just want to repeat your question for George."

Henry Talmage, "Sure. The question again was whether the erosion buffer zone as written in the proposal, is a requirement as the D.E.C. has put forth in their booklet?"

George Bartunek, C.A.C., "Do you want to have other people make other statements or I can get up and address everything at one time."

Supervisor Janoski, "Is there anyone else wishing to address the Board or question on the Coastal Zone Management? We don't have any other hearings. We'll get you next George. I was looking forward to your hand going up."

Bill Roberts, Baiting Hollow, "A couple of technical definitions which can be clarified. Some of them got badly mangled. On page seven there's a definition under section U or paragraph U that defines the mean high water mark as being the approximate average high water level for a given body of water at a given location. And then it goes off to determination by reference to landward extension to tidal wetlands and references to tidal wetlands act of the environmental conservation law. I think that that's an error and the end of that should have read: for a given body of water for a given location, the same as the ending of the mean low water definition determined by reference to the U.S. coast and geodetic survey mean sealevel data."

Supervisor Janoski, "Bill, do you have a number on that page?"

Bill Roberts, "Page seven, paragraph U."

Supervisor Janoski, "Just for the record so we can look and refer to it when we..."

Bill Roberts, "On page 20 the heading is beaches. Paragraph two; the following restrictions apply to the use of motor vehicles on beaches. The first sentence makes sense. The second sentence is garbled because something was struck out and therefore the second sentence is not applicable. That should be reviewed. On pages 22 and 23 there are restrictions and requirements applying to regulated activities on bluffs which is on page 22 and dunes which is on 23. It says vehicular traffic is prohibited on any dunes except in those areas designated by regulating agencies. But then when we get to the definition on page 22 vehicular traffic on bluffs; it says it's prohibited on bluffs except on roads or trails which have historically provided vehicular access onto the beach and it becomes very complicated. I think that too can end the same way as it did for dunes. Except in those areas designated by regulating agencies. One last comment. Section fifteen has to do with notice of violations and penalties for offenses. That appears on page, it starts on page 32 section 15. There are references to penalties. Any violation of... Then instead of talking about violation of this chapter, references are any provision of this section but the section is the one that describes violations and penalties for offenses. So what I'm saying, any place in section 15 where there's references to penalties for violation of the section; it should read instead, penalties for violations of this chapter. There's three or four locations where that should be changed."

Supervisor Janoski, "Is there anyone else present wishing to address the Board on the matter of Coastal Zone Management? George."

George Bartunek, C.A.C., "Chairman of the Conservation Council. With regards to Mr. Talmage's comments; was the erosion buffer zone part of the D.E.C. recommendations and the answer is; no it wasn't. That was something that was added on as an extra precaution for erosion problems that was felt by the Planning Board and the C.A.C. that would probably develop within the next 20 to 30 years because of the rising sea level situation which is being predicted. That is very similar to the hundred foot setback that this town has informally adopted for protection of the wetlands. In other words, what you have is you have the boundary of the erosion buffer zone just like you have a boundary of the wetland area. And setback another hundred feet from that for increased protection of the wetlands, is the area that we usually have required for construction. The setback for the construction inside the erosion buffer zone is not as strict as it would be even for the wetlands. The question also came up from Mr. Talmage is that he has a problem with the more strict code that's being proposed by the town. And as I've said in other presentations to the Town Board that is in keeping with what our policy has been (the C.A.C. policy) for the past eight years or so since 1982 or 1983 that the 25 foot setback from the erosion buffer zone for any construction of appurtenance such as deck or something which would only require pilings to go into the ground is closer to the hundred foot setback standard that we've historically used as our setback. His other question was.... Well, I'm not going to address the comments that he made on reasonable and necessary construction because the C.A.C. and the Planning Board have always viewed any building, any construction of a deck built on to a house as certainly being reasonable construction. I certainly wouldn't have any problems with any wording in the proposed code in that respect. With respect to Mr. Robert's comments, I quite frankly have not had time to review the last fine tuning. I've even lost track of how many phases this thing has gone through. I think we're into number seven at least that this thing has been revised. And the main problems here that have developed has been the factor that the D.E.C. has become involved with reviewing this code and that's where some of the problems with the wording has developed. If anybody else has any comments, I'd be glad to address those comments also."

Supervisor Janoski, "Thank you George. Is there anyone else present wishing to address the Town Board on the matter of Coastal Zone Management? George."

George Schmelzer, Calverton, "I'm almost frightened. It looks like Gorbachev is copying from us as we use to be and we're copying from him. So if they adopt the system we've had a hundred years ago with all this god d--- nonsense and ordinances all over. You hired people to make more. The state hires people to

make more. The county does. We're gone. They'll run right past us with all this god d--- nonsense. I don't know what it's for. I think some of our officials, both elected and appointed, are really communists at heart. They pretend they're Republicans, Democrats or whatever, Conservatives. And by their actions, they control people. People are just their sheep. Maybe look upon them like in the Middle Ages. The people were just peons and surfs. The only thing they're entitled to think about is to pay their taxes. Look at it. They're all alike. Like here, Mr. Lewin our neighbor in Calverton. He lives in a house in '27. I was a little kid when it was built. There's a porch there. The porch is screened over. Now he wants to enclose it. He has to get a D.E.C. hearing and permit. Look at that god d--- nonsense. I have to put it in the News Review. And our illustrious Assemblyman voted for that. Of course the town isn't much better. I think maybe it's a competition of who can make more ordinances, the town or the state. And you understand the town hired a lawyer about this garbage problem and now he says pay the fine. Is that true or is the paper a liar? You don't even know. What is it? Is the paper right?"

Supervisor Janoski, "It's a matter that's being negotiated and argued and I don't really want to say anything about it."

George Schmelzer, "You don't want to get into it. Five hundred thousand and you're not interested?"

Supervisor Janoski, "That's not what I said George."

George Schmelzer, "Well, I'm wondering what do you mean. The papers said the lawyers said pay the fine. Maybe you ought to complain the Bar Association and sue them for malpractice."

Supervisor Janoski, "I saw the headline."

George Schmelzer, "Everybody else did too. What's going to be done about that? You don't know. You mean it's not the public's right to know? It's a secret between the Town Board and the lawyer. Or are you ashamed to tell us?"

Patricia Moore, Town Attorney, "Just for the record, we're in the process of negotiations with the D.E.C. and it would be improper to discuss where negotiations are at the stage now."

George Schmelzer, "What's so improper? The taxpayers have no right to know?"

Patricia Moore, "They will know certainly."

George Schmelzer, "After it's all screwed up and here's what they'll pay and then we'll know. That's what you mean?"

Patricia Moore, "We'll be sure to let you know when the time comes."

George Schmelzer, "How come you don't have a right to know? How about that suit against the D.E.C. for the River's Act. That's a secret too?"

Supervisor Janoski, "George the subject here is the Coastal Zone Management. This is a public hearing on that matter. Could you focus in on that particular issue?"

George Schmelzer, "You don't need any more ordinance for the town. Mr. Bartunek said the ocean is going to rise. I haven't heard that for years. Maybe it should rise more. Then the tax maps are no good. The zoning is no good. Maybe the weather will turn cold and there will be more ice built up in Greenland and Arctic and the water will go down so the town and the Bay will be dry land and the town a half mile out. What will they do then? I think according to old time law, if the ocean went down, whoever owns the shorefront will own right up to the new line and they will have more land then. Because the way it is now, if the ocean rises, they'll take some of your land, that's your hard luck. So if the ocean goes down, it should be your good luck. How about it? Those bluffs have been there since the last glacier and what is the rate of erosion? Mr. Bartunek? Where is he? Does he know? Does he know what the rate of erosion is for the last hundred years?"

Supervisor Janoski, "George, finish your statement and we'll get an answer to that."

George Schmelzer, "I just asked you. That's the end of the statement."

Supervisor Janoski, "Okay. Thank you George. Please sit down."

George Schmelzer, "I'm stating it to you, not to them."

Supervisor Janoski, "George, are you finished with your statement?"

George Schmelzer, "No. I'm never finished because I'm never finished. This Board is never finished. All these secrets against the taxpayers continues on. Too bad we don't have a recall law in New York State. I don't know if they do or not. Do they?"

Supervisor Janoski, "No."

George Schmelzer, "Well, that's too bad. Of course for some people it's good but some of our officials have it hanging over their head and it might be good. Thank you."

Supervisor Janoski, "Thank you George. Henry."

Henry Pfeiffer, Wading River, "A map is a graphic representation of a portion of the earth's surface. They are accurate or less than accurate at various times. I would merely like to suggest that at such time as zones are approved, that they may be taken from actual measurements rather than from what not be an accurate representation of the portion of the earth's surface."

Supervisor Janoski, "Thank you Henry. Is there anyone else wishing to address the Town Board on the matter of Coastal Zone Management? George do you have a rate of erosion from the...."

George Bartunek, "Chairman of the Conservation Advisory Council. With regards to the question of Mr. Schmelzer, if you assume that the width of the southern marine and the width of the northern marine was identical at the end of the last ice age. You can calculate what is left of the northern marine which is commonly referred to as the Harbor Hill Marine and it comes out to just slightly less than half a foot a year given the time from the last ice age."

Supervisor Janoski, "Thank you. Any other comment on the matter of Coastal Zone Management? That being the case and without objection, I declare the hearing to be closed."

George Schmelzer, "Maybe you can take a tape from the Sound Shore to the Connecticut Shore and measure it every year and see how much it spreads out. Then you'd know how much erosion you've got. I don't really think anybody knows that. It's just a guess. And what you're doing; keeping this a secret and negotiating our land rights away after you've done it and then you tell us. You tell us right now we have no right to know until it's all done. How would you like someone doing that with your land or whatever you have and negotiating it away? We're not going to tell you now Joe, Mr. Janoski. We'll tell you after it's all done. That's what it really is."

Supervisor Janoski, "That's a complete misrepresentation of what we talked about. The plan has been available for the number of months that it has been worked on. The amendments have been available for anyone to read."

George Schmelzer, "This is the hearing for that and you tell us it's a secret what you're saying."

Supervisor Janoski, "And quite honestly George, you don't know how I feel about this proposal and I may agree with you. Now, if you have a position that you want to express, I wish you would do it. This is not a side show. This is a serious public hearing. Are you for it or against it and tell us why."

George Schmelzer, "You don't know. I can't know from anybody here about what's going on. We're negotiating. You're not going to know until it's all done. What do you got the hearing for?"

Supervisor Janoski, "George, that's a different subject matter and not in the Coastal Zone Management. The question of the D.E.C. and the fines levied against us, there are negotiations going on right now. Prior to the Town Board taking legal action against the D.E.C., that decision will be made. I'm sorry George that that is the way we have to operate but I'm not going to jeopardize what we are doing to try to protect the town to satisfy you."

George Schmelzer, "Are you still discussing the bluffs now?"

Supervisor Janoski, "George, thank you very much for your statement. I really appreciate your being here this evening."

George Schmelzer, "Yes. Thank you. Thank you for appreciating it. Do you really? Off the record, do you really appreciate it?"

Supervisor Janoski, "George, you often add a certain flavor to our meetings that sometimes we need. Is there anyone else wishing to address the Town Board on the matter of Coastal Zone Management?"

Bob Pekar, Calverton, "As far as this subject goes, the past history of this Town Board in dealing with the state or D.E.C. has been poor to say the least. I see you have two possibilities here. You either fight them or you accept their boundaries. Stop trying time and time again, to do them one back. You don't have the resources. If you want to fight them, fight them all the way."

Supervisor Janoski, "Anyone else wishing to address the Town Board on Coastal Zone Management? That being the case and without objection, I declare the hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 8:22

Supervisor Janoski, "Before taking up the resolutions, I would open the meeting to comment on any subject, anything on the agenda. Mr. Sykora, I recall that you had your hand up before. So let us recognize you."

Joseph Sykora, Riverhead, "I just want to make a comment about what Bill said about the flags without any lights. The other flag that has no light is in Peconic Parking lot down at the Peconic River. The light hasn't been on there for over a month and a half and I just came from there tonight and it still isn't on."

Supervisor Janoski, "Mr. DiVello."

John DiVello, Mattituck Sanitation, "I want to discuss 806, the repeal of section 103-13 and the addition of a new section

103-13 to the Riverhead Town Code as follows: In reference to capping service charges from sanitation services. I believe it's very discriminatory to pick on one industry and try and cap their prices. You can't do that with LILCO or New York Telephone. As far as the prices for capping where it says that one day a week service would be \$18 a month plus tax for all services set forth in subdivision hereof. Each collection shall be limited to a maximum of two thirty gallon containers, each not weighing more than 75 gallons. I'm sorry, 75 pounds. Service two, two days a week; \$24 per month plus tax for all services set forth in subdivision B hereof. Each collection shall be limited to a maximum of two 30 gallon containers, each not weighing more than 75 pounds. What happens to the person who has a 30 gallon barrel? Do we charge them \$27 for a fourth one, \$36?"

Supervisor Janoski, "John, that's why we're going to have a public hearing. This calls the public hearing. It doesn't adopt what you're reading there. So that kind of testimony is the whole purpose in having a public hearing. So you can point out to us what you consider to be flaws in the proposal. Make suggestions for improvement of the proposal. That's why we have a public hearing."

John DiVello, "By putting a cap on what we can charge and then increasing the dump fee a higher percent, that's like allowing wholesale prices to go up and holding retail prices down. A hardware store gets increased on all their items to sell, they have to go right up with the increase. As far as increases, around '84 was the first time the town started charging a dump fee and that was \$1.25 a yard and I think that went through '84 and '85." In '86 it went to \$2.00 through '86 and '87. '86 and '87 our dump fees were about \$25,000 a year. In '88 it went to \$2.50 a yard. Our dump fees went to about \$36,000 a year. In '89 it went to \$20.00 a ton which represents very close to \$7.50 a yard. Our dump fees for the first 11 months of the 1989 right now has been \$105,000. So to put a cap on us at the prices that we're charging now and that's very close to the price we're charging now and then go up 100% increase, you might just as well park the trucks because it's going to cost us money to start them up. So I just wanted to talk in opposition to that plan."

Councilwoman Civiletti, "Can I say something? You were going to come back at the public hearing."

John DiVello, "Yes."

Councilwoman Civiletti, "Because in order to get the comments that you want to make into the public record, you've got to do that at the public hearing. Thank you."

Supervisor Janoski, "Is there anyone else wishing to be recognized? Warren McKnight."

Warren McKnight, Wading River, "I wish to address the problem at the Calverton Delicatessen and the automobile accidents there. I'd like to give a copy of letters from Senator LaValle, the Town Clerk on this matter, to various people on the Town Board: what Senator LaValle did to rectify another problem in Shoreham Wading River. I want to give one to Mr. Boschetti because he had an accident there. In this letter that Mr. LaValle sent me back here was at the Shoreham Wading River High School. And what was done to rectify there I'll just paraphrase quickly in yellow what was done. Requested by the school administration of the Shoreham Wading River School District in 1988. Acting on this request I immediately initiated and arranged an on-site meeting at the High School with the Department of Transportation. It was at that time there were many meetings discussed and everything else and the problem was eventually solved in the Spring of 1988 to now. The reason why he was able to act, he sent a second letter to Mr. James Casilewski, Regional Director of New York State Department of Transportation, Hauppauge. In that letter he said I've been working closely with the community members and the Shoreham Wading River School Board. So what I'm saying here is if you could... You passed a resolution last time. If you could send a letter to Ken LaValle telling what happened because we also have a letter from Conoccio Insurance about the accidents there involving injuries and property damage. If you could send a letter to Senator LaValle requesting that he act on this, maybe he can get the Department of Transportation down there to look at the site. Conduct some studies along with the community. Maybe we can get some proper signs up there to prevent any more accidents happening. Thank you very much."

Supervisor Janoski, "Thank you. Yes."

Clara Williams, "To Mr. Janoski and the Councilmen and Councilwoman. I just want to say that I concur with Steve about the blind sight coming out of there because I come out there also. But I want to say that I live in Millbrook Gables and as you come down Lewis Street to turn to Segal, there's so much sand that stays there that the people go around, just come around so fast. There's little children out there. Sometimes they end up in the bushes on the other side of Segal and it's very dangerous down there. I have told the highway man and he said our streets are very good. I feel that if the streets are so good, how come we have more sand on the road than we do concrete. It's very dangerous coming out there. I just want to say also that I want to thank the Councilwoman that took time out of her busy schedule to talk with me today to help me get some things straightened out that we've been trying to get straightened out ever since our organization started. As soon as what we have tried to do today is accomplished. I will be back to let you know that it's all done. Thank you."

Supervisor Janoski, "Thank you. Let me see. Bill Nohejl."

Bill Nohejl, Aqueboque, "In reference to resolution 787, extends agreement with consulting services with Cornell University. What would this be in reference to?"

Councilman Pike, "Bill, that's Mr. Martin, Jack Martin from the Center of Environmental Studies of Cornell University who has been working hand in hand with Malcolm Pirnie to develop the onland application of the sewer outfall. We're about to expand the sewer by 400,000 gallons a day. All of that excess capacity is going to be recharged on land. He has done all of the modeling work to design how far above the sea level that has to be, the size of it, soil sampling and will continue working with us as that pilot project to prove that that works around here and would be built and put into the ground."

Bill Nohejl, "Is this in the 1990 budget?"

Councilman Pike, "It's in the budget for the expansion of the sewer plant which is a capital expense."

Bill Nohejl, "It's in the extension of the sewer plant account?"

Councilman Pike, "The capital budget for it."

Bill Nohejl, "Is this duplicating of services of Malcolm Pirnie and consulting Cornell?"

Councilman Pike, "No. Malcolm Pirnie has been very happy to have somebody with the expertise that Mr. Martin has. In fact, not only are they happy to have him working on this project, they've hired him to work on another one. He fills a very specific expertise in land application of sewer waste."

Bill Nohejl, "I'm concerned about one consultant on top of another one. There's so much consulting being done in this town it's over consulted and I wonder where the money is coming from."

Supervisor Janoski, "Steve."

Steve Haizlip, "In my initial presentation of that Railroad Avenue, I forgot to mention the sand being there like Mr. Benedict said and Clara. It does exist and you do spin trying to get out of there. Okay. Now, the next thing that I want to bring up, this here civil engineer that you've got money in the budget for but you hire them and they leave right of way. Have we got another one in mind or somebody in mind or somebody applied or we're going to get one or not? Because the reason I'm bringing that question up is this. You won't have to worry about trying to answer that Joe. I'll tell you why I want him. Why I want him is, particularly Edwards Avenue and maybe some others. Every time it rains and the water comes down these side ditches, it gets to the point where you can't even go out to the mailbox without getting hip boots. Now, Mr. Bloss is a very fine fellow

but he's not an engineer and all he can do is go out and scrape. So I believe we better get an engineer for some of these roads to start doing the ditching and draining and so forth to try and control some of this water and quit having Stas's pond like we had on 58 until somebody woke up and engineered that project. Thank you."

Supervisor Janoski, "Thank you Steve. Is there anybody else wishing to address the Town Board? Then let's take up the resolutions."

Resolutions #786-#825 found on pages 1368-1472 of the 1989 resolution Book.

#793 AUTHORIZES REDUCTION OF PERFORMANCE BOND FOR BAYWOOD ESTATES FOR ROAD AND DRAINAGE IMPROVEMENTS - MAP AT MANOR AT BAITING HOLLOW.

Councilwoman Civiletti, "I'd like a moment of discussion on 793. If I'm remembering this correctly, this pertains to a subdivision that we had some extensive conversation about in the Work Session yesterday that the Manors at Baiting Hollow particularly with regard to drainage. Mr. Robertson came in with Mr. Walsh. 793 would authorize the reduction of a performance bond with regard to the road and drainage improvements which there may be some potential problem with. If my memory serves me, this is the map we're talking about. I would move that we table 793."

Councilman Boschetti, "The point is well taken."

Peter Danowski, Attorney, "This is not a full release of the performance bond. Mr. Johnson, your consulting engineer, did a personal inspection of this particular subdivision. You've got according to this resolution, \$250,000 performance bond still sitting there to protect the town and you certainly have the right to have the rest of the roads and drainage finished which will happen. This is something to get the developer further along by reducing the amounts of performance bond as approved by your engineer by his personal inspection."

Councilwoman Civiletti, "I can see that but we also had a problem brought to our personal attention yesterday that it may end up costing the town a significant amount of money to remedy. And to the extent that...." I don't know if we want to talk about it right now."

Peter Danowski, "If the problem relates to roads and drainage, you have not accepted the roads. They are the developer's problem. You won't accept the roads until the Highway Superintendent ultimately inspects them and agrees to take them in and you will have a maintenance bond for protection in addition to that."

Councilwoman Civiletti, "I'm just pointing out that we had this discussion and this problem that was brought to our attention. I'm willing to move on the other two. But I for one, am not prepared to move #793 which would potentially at least, reduce the ability of the town to move against the developer's bond here. It reduces the amount significantly."

Peter Danowski, "I still have practical problems that the bank closing has been scheduled based upon certain information that hopefully can get done and this just delays that little problem."

Councilman Pike, "Pete, is the reduction of the bond because some portions of the drainage have been finished? That does really go to the heart of the matter because apparently we're having trouble with how it's operating. Not the future part that's not done yet but with what's already there."

Peter Danowski, "I guess what my real point was that if I knew that problem with roads yesterday and someone had called me, I'd have come down and ask you to get the town engineer and solve the problem."

Supervisor Janoski, "Well, we didn't know there was going to be a motion to table it yesterday."

Peter Danowski, "I would just ask you to vote for it."

Supervisor Janoski, "I would say this that there is a problem resulting from property (and I won't say adjacent) in that area. The problem seems to eminent from the fact that the town requires drainage systems that will handle two inches of rainfall. Well, obviously we have had rainfall far in excess of two inches. I wish that I knew that this was going to come up so that we could reasonably chat about this. Would you like to have a little recess?"

Peter Danowski, "If we could put it on the end of the agenda."

Supervisor Janoski, "That's what I see, that we do have people...."

Councilwoman Civiletti, "I'd like to get the guy that we're paying to do his work and answer to it and that's how we left off with it yesterday with regards to the drainage problem that has been created both by the actions (apparently) of our Highway Department and perhaps by the way the map was put. And the end result of all that is that we may need to buy some land at considerable expense to put a drainage basin in the area."

Peter Danowski, "It's too bad that Howie Young has just left because he designed it and I'll take his design."

Councilwoman Civiletti, "I don't know. We can certainly sit down. And if it's something that can be worked out and we can have a special meeting of the Work Session for the purpose of doing this, I don't know. In fairness Joe, you sat there yesterday and read the titles to these resolutions. We didn't get them before we had this discussion with Mr. Robertson who's land is becoming a drainage sump. So as soon as I saw this a little bell went off because this is that map and I'm not comfortable in reducing the bond amount so substantially. The very purpose for which that bond is posted may be called into play. If it can be cleared up, fine. Let's clear it up and let's hold a special meeting and let's do it because we're the ones the taxpayers in this are going to be footing the bill in the end."

Councilman Pike, "I'm going to vote yes. But I just want to make sure that the town makes an effort this evening to try to pull parties together and that I'd be willing to entertain a motion to take it off the table tonight."

Councilman Lombardi, "I'm going to abstain from this one because I was not here yesterday and I think that it's best that I abstain."

Supervisor Janoski, "I'm going to vote yes on this also with the same hope that we can resolve the matter and if possible, act on it this evening."

#802 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 52 AND CHAPTER 108 OF THE RIVERHEAD TOWN CODE.

Councilman Boschetti, "Before I vote, I just want to say that I've already taken a look at a number of things. I know they've come up in our recent budget meetings. I, as you probably know, voted against the budget. The fees were a major reason why I did and I think I will continue to oppose these fees. However, I am not opposed to hearing the public on these matters and therefore I will vote yes."

Councilman Lombardi, "I already voted against the budget but I will vote for the public hearing on the fees."

#803 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 108 OF THE TOWN CODE.

Councilwoman Civiletti, "This also calls a public hearing for the 19th of December at 7:55 on amendments to various sections of Chapter 108 of the Town Code: filing fees for the Board of Appeals. Many of which have not been changed in 20 years. And it would increase the penalties for violations of the Zoning Board of Appeals decisions. So that when someone gets a variance and it's conditioned on particular things and then they undertake

the activity for which they got a variance but violate the conditions, (We've had situations like this numerous times.) they have a stiff penalty to pay which I think is a really good idea."

Councilman Boschetti, "I have the same comments as on the previous resolution and I vote yes."

Councilman Pike, "I just want to point out that one of the things that we've added to the law is the possibility of the Board of Appeals waiving the fee required where they deem it appropriate. The reason that is in there is that we very often hear from the Zoning Board of Appeals that the Chairman or the Board comes to the conclusion that they really don't know why the applicant is there and they shouldn't have been sent up. And if they come to that conclusion, they would be completely free to waive the cost of the proceeding. They are not now and that's part of that hearing."

#804 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 48 OF THE RIVERHEAD TOWN CODE.

Councilwoman Civiletti, "I would second that with the comment that this would impose a permit fee of \$50 per year for what's commonly called a beach buggy permit, the permit to ride a vehicle on the beaches of the Town of Riverhead which are now issued for free. It would increase the penalty for an offense of that permit requirement from \$100 to \$500. Likewise, it would increase the impoundment fees payable to the town for the storage of vehicles from \$100 to \$250. This amendment also would impose for the first time in a while, an annual parking fee payable in order to get a parking permit to park at the beaches and recreational facilities at the Town of Riverhead and that would be a fee of \$10 for the year."

#805 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 103 OF THE RIVERHEAD TOWN CODE.

Councilman Boschetti, "Again, I'm not necessarily voting in favor of these but merely for the purpose of listening to people on this matter, I vote yes."

Councilman Pike, "This one is worthy of some comment because clearly it is a highly controversial item. I don't think that there's any member of this Board who is in favor of doubling any cost to anybody for anything. I don't think any one of us want to do that. I do know however, that even if we don't do that, the day is going to come where you pay not twice what you're paying now, not four times what you're paying now but five or six times what you're paying now. And I would suggest to you that that day is something like 365 plus 18 minus 5 days from now when the Long Island Landfill law kicks in and we have to either

by court order, consent order or our own good intentions; lock the gates on the landfill itself. We have been looking obviously, very extensively in the last couple of years at all of the alternatives for what we do with solid waste and there is none that is presently available to this town and the citizens of this town that costs less than \$70 a ton. But most times I say that number to experts in the field, they say you're kidding yourself. It's going to be more than that. It's going to be 80. If it's off Island, it's over 100 and that's reality and none of us are in favor of that reality. Well, we can sit around and hope for miracles. We have to plan for reality. This is here as a way of raising the money that is necessary for doing the planning work, for doing the legal work to get in compliance with the law and we have to do that until they change the law. We can't ignore the law. We're sworn to uphold it. So it is not a happy piece of news. It's not something any of us are dying to do. It's not something any of us are in favor of. It simply moves on to accept a reality that is going to hit this entire town like a ton of bricks for the next decade. I vote yes."

Councilman Lombardi, "I'm voting for the public hearing. I'm not voting for the fees."

#806 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 103 OF THE RIVERHEAD TOWN CODE.

Councilwoman Civiletti, "This repeals the existing section 103-13 or this calls a public hearing on the amendment of the code to repeal existing section 103-13 and enact a new section which is the proposal that Mr. DiVello commented on earlier this evening. This would impose a cap on collection rates chargeable by anybody in the business essentially of collecting solid waste in the Town of Riverhead from residential and nonresidential stops in the town. It would limit the charges to \$18 per month for once a week pick up; \$24 for twice a week pick up. It would limit the charges payable by people to \$10.45 for each cubic yard per collection on the nonresidential stops. This thought necessary to prevent another threatened doubling of the rates that are currently being charged by the carting companies in the town. This is put forward for the purpose of a public hearing so that we can, in the appropriate forum, hear from the people that will be most effected by this regulation. Both the business people and the residents and business people that ascribe to the carting service in the town. These rates are based on yes, in fact what the current rates are. They are also based on some research that I conducted or a survey that's been done of the tipping fees which are the amounts paid at the landfill, chargeable in other towns and the rates that are paid by customers in other towns. And these fees are equal to or slightly more than fees being charged by carters in some other towns where there is rate regulation. In spite of the fact that tipping fees at their solid waste facilities are currently \$40,

\$50 and \$70 a ton. These fees are now being charged in the Town of Riverhead and are tipping fees are currently \$20 per ton. I'll have some more to say (I guess) the night of the public hearing. I'm looking forward to what other people have to say. I know that from a multitude of letters that people have written at the request and suggestion of Mr. DiVello, that people in general, are opposed to having their collections rates doubled as am I. And this is designed to encourage the carting companies to implement a system that charges people fairly for what they put out. And that encourages people to indeed reduce the waste stream and separate out recyclables and bring those to the dump or would in fact encourage the carters to do that for which the carters can do for free. In any event, this calls a public hearing on this and that's what this is about."

Councilman Boschetti, "I just want to make a comment on this. It's interesting that we have a number of public hearings that we're calling and it seems like we're going to have comments on all of them really. On this particular one, I had the opportunity to speak with Denise late this afternoon to listen to her reasoning for putting this together. I explained to her that I had a fundamental problem. And the fundamental problem was that I find it difficult to regulate an industry without at least giving an industry an opportunity to explain itself before you call a public hearing with a set amount of guidelines and in fact dollar amounts to which that industry must adhere. Now, in talking with Denise, I can fully empathize with her position and I think I understand why she did this and I can't say it's all together wrong. On the other hand, I had a fundamental problem. The overriding concern I have is I would like to hear from the public on this. So obviously I'm going to vote yes."

Councilman Pike, "Obviously, in the next decade and the next year is going to be one where people have to come to some sort of an agreement. Because frankly folks, the garbage is going to go somewhere and we've got to work it out. I don't think people should go into these hearings with a predisposition just to focus on yes or no to a particular thing. We've got to make it work. So I'm hopefully that the people who come to this hearing will come with a creative attitude for solving a very very difficult real problem."

Councilman Lombardi, "Well, before I vote, I just want to say a few words. With the introduction of this resolution, I feel it would lead to a resolution that I am against. The Town Board would be overstepping its authority and regulating private enterprise. In Eastern Europe people are demonstrating for freedom and capitalism and the intent of this resolution would be a step backward for the people of Riverhead. Those who impose the rate increase for the dump must accept their responsibility and not pass the blame upon the carters making them look like the bad guys. The buck must stop at the Town Hall. Shall now we regulate the price charged by lawyers and doctors? The town

should not regulate private businesses. I will vote for the public hearing only because I feel that the people should have the right to express themselves. However, for the reasons I have mentioned, I am opposed to the passage of a resolution to regulate private business. I will vote yes."

#808 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AN UPDATE TO THE RIVERHEAD TOWN MASTER PLAN AND THE REVISION OF THE ZONING USE DISTRICT MAP FOR THE TOWN OF RIVERHEAD.

Councilman Boschetti, "Mr. Supervisor, I have no desire to move this resolution."

Councilman Pike, "Mr. Supervisor, if I might, resolutions 808, 809, 810, 811 and 812; are a package of local laws, a zoning and planning map and an ordinance both new and revised that incorporate three basic requirements to wit: One; the Riverhead Town Planning Board did in August of this year, recommend specific legislation and specific codes in furtherance of an update to the Master Plan. Two; since that time, the Ag. Task Force has had a series of meetings and has requested some slight modifications to it. One of particular note there is the modification of the Residence "C" zoning district to enable and in fact require that any zoning yield or development yield higher than two units an acre; require the use of transferable development rights. The third source of legislation that had to be incorporated is that within this year, in April of this year, the New York State Legislature passed (for the first time in this state) specific legislation; Town Law 261A (I believe) enabling towns to either by local law or by ordinance to pass a transfer of development rights ordinance. The transfer of development rights legislation here was modified from its prior draft to specifically incorporate the basic principled requirements of that law and to use the specific wording, nomenclature, the names of various documents and procedures that are contained in section 261A. Together they represent the recommendations of the Riverhead Town Planning Board for an update to the Master Plan for the Town of Riverhead. I have worked with all of both the Planning Department and the Planning Board to make sure that the map is ready, the legislation is ready. And when we had our last task force meeting, we came to a very very basic conclusion. That on many of these things we agreed. The Bill of Rights is not particular controversial. TDR as a general idea is accepted by the task force. The idea of designating specific sending and receiving zones is accepted and that we have a controversy over which consensus has not nor do we think it can be reached. And that is the development potential in the basic farmland areas of the Town of Riverhead. There are those on the task force who think coming down to two is a major compromise. They think the upzoning ought to be five. There are both open space and environmental and tax reasons they make that case. There are those who think, and certainly the Farm Bureau is preeminent

among them, that the one acre zoning should be left alone as an attack of equity. The two acre proposal is clearly a compromise between those two principles. And it has moved the Planning Board from their initial five acre position to a two acre upzoning. Before I move and I wouldn't mind moving them in mass, but before I move any of them, I would just like to show you something that makes quite specific what the Planning Board has been talking about in just one area alone; taxes. In this decade in the Town of Riverhead, we have had building permits for residential housing coming in at the following rate: In 1980; 26, 1981; 37, in 1982; 58, 1983; 90, 1984; 141, 1985; 176, 1986; 185, 1987; 215, 1988; 226. This is year is keeping pace with last year. If you take and analyze out what it will cost the existing taxpayers of the Town of Riverhead to pay for public services to those new residences, it works out to roughly one dollar per residence no matter when it's built. In other words, just because that new house is here, you're going to have to pay an additional dollar. If it's only one house, that doesn't sound like a lot but the Planning Board projected the buildings that are going on line here will go on the tax base and start creating the burdens on us at a rate slower than it's actually happening when they came up with the numbers that generated this graph. This graph is a graph of the cost to each and every one of you who, if you own a \$55,000 house if the taxes are allowed to go under the current one acre zoning and the town is allowed to develop under the one acre zoning. In other words, in five years, if those buildings build out, you will be paying (a \$55,000 house) \$1,000 a year more just to provide services to the new folks. That doesn't pay for the expansion of a lot of things that you're going to be getting or enhance services that you might want or your recreational services or senior citizen programs or (frankly) doesn't pay for the landfill law. It doesn't pay for any of that. If you upzone, you cut that development potential. You cut that cost. You cut that infrastructure in half. Even paying for that will be an enormous challenge but it does that in one swell swoop. There are people who argue that we could take care of that by increased development. Well, that's a pretty simply piece of math. This is a town whose budget goes up on average; 10% a year. Our commercial and industrial growth rate on average over the last decade has been 1% per year. If you chart that over a period of time, there comes a day when it just doesn't add up. If we had an industrial and commercial growth rate that is five times what it is today, you would not cut that tax increase in half. If it was five times what it is today, you would not cut that tax increase in half. I have spent a fair amount of time on this Town Board being both the receiver and occasionally the deliverer of bad news. And I don't think again, that anybody loves paying taxes but I can tell you that if we don't get around to some day soon, lowering the new residential development potential for the Town of Riverhead, that we are going to pay for it dearly. I suppose I could add onto all of that the farm program will (if it is adopted) do things that people do agree on like transfer of development rights. It will also do things that people agree on

like preserving open space. It will also help preserve the rural quality of the Town of Riverhead. And frankly, I think that would make this with the lower taxes, a more desirable and a more valuable place to be. The Planning Board has asked this Town Board almost five months ago, to have a hearing about this. I deliberately chose not to move the question during the silly season so that the debate could be in an environment free of it. I also deliberately chose not to do it during the time the farmers are working the harvest. The harvest is over, people are capable of coming down. This hearing scheduled for the day before all the other hearings you just scheduled tonight which will be (I'm sure) equally as interesting and equally controversial. If I could simplify it, I would ask this Town Board to set a hearing so that the unanimous opinion of the Riverhead Town Planning Board could be presented to the people of the Town of Riverhead so that they might choose intelligently and openly as part of our democratic process whether that is the path that we would like to follow. With that, I would move all of those resolutions; 808, 809 through 812."

#809 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO ESTABLISH A FARMER'S BILL OF RIGHTS

#810 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO ESTABLISHING GUIDELINES FOR TRANSFER OF DEVELOPMENT RIGHTS.

#811 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE ADDITION OF FARM PRESERVATION ZONE, FARM NEIGHBORHOOD ZONE AND RESORT DEVELOPMENT PROJECT ZONE TO THE RIVERHEAD TOWN CODE AND TO AMEND THE ZONING USE DISTRICT MAP OF THE TOWN OF RIVERHEAD.

#812 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AMENDMENTS TO RESIDENCE C ZONING USE DISTRICT OF THE RIVERHEAD TOWN CODE.

Councilman Boschetti, "I can't get away without making some comments on this. This is a package of resolutions that probably represents as one swell swoop, the greatest change of land use I've ever seen since I've been on the Board or I've ever heard of for that matter. This is something that we can not take lightly at all and I don't know if we can sit here this evening and understand the gravity that these changes will bring to the town in the way of change. For one, I can appreciate Mr. Pike's consideration of not bringing this up during the silly season of elections or during the harvest time of farmers who after all, will be the most effected by most of the legislation that's being proposed. However, I think he could have gone a step further and maybe suggested that this be undertaken in January or February when we're all snowed in and we can give it the kind of attention and consideration that it really needs and not do it a scant week or so (in fact I think it's five days or six days) prior to the onset of Christmas and then of course, New Years. I contend that

this is not the right time to have a hearing of the magnitude that these proposals represent. But I also have another fundamental problem with it which I expressed yesterday and I'll share with you now. This particular question of upzoning was one which was a major question during the recent election. It's one which the candidates campaigned on on both sides. They established positions and the people elected people to represent them. I don't know, in fact I seriously doubt whether it's proper that a lame duck Town Board undertake this serious consideration at this time when the people have spoken and elected two people, two Councilmen elect, to carry out their will on this issue. And I think it's only proper that we allow that process to continue as it was designed to do. Let the will of the people speak on this through their newly elected representatives so that we can get the fairest type of enactment possible. As far as voting on this, I think after eight years, I'm about to set two precedents on the same set of resolutions. The first is... Well, I've just about always voted for a public hearing because I always felt the public has a right to express itself on any issue before this Board. On this particular matter however, I have to make an exception. I came very close to voting no. However, in retrospect, I think a no vote would send the wrong signal because there are some aspects of these proposals that are worthy of consideration. On the other hand, I don't want to send the signal that this Board member opposes a public hearing on any matter. For those reasons, I am going to do my second precedent, I believe, that is abstain. Thank you."

Councilwoman Civiletti, "I'm also concerned about the timing. I really want to hear for once.... I'm not going to make a speech. I want to hear from residents, taxpayers, ordinary people and I'm concerned that the Christmas shopping season and whatever else people do right before the holiday, might have an impact on that. But I think also, that one might always find one excuse or another to delay this process and I think frankly, we've dawdled along long enough. So I will vote yes."

Councilman Lombardi, "I abstain. No speech."

Supervisor Janoski, "I abstain. I'm going to request that Mr. Lombardi chair the meeting. I've been sitting here with my legs crossed for the last half hour waiting for this vote to come. I'll be right back."

Councilman Pike, "Pat, will you contact the News Review as soon as possible and make sure they know."

#820 MAKES FINDINGS STATEMENT ON PETITION OF CHESTERFIELD ASSOC.

Councilwoman Civiletti, "I'm not sure that I agree with the changes to this findings statement. I vote no."

#823 URGING SUPPORT OF FUNDING OF RIVERHEAD-SOUTHAMPTON COMMUNITY CENTER, INC. BY E.O.C. OF SUFFOLK.

Councilwoman Civiletti, "I find out last night that the agency that funds the Riverhead-Southampton Community Center which is presently located on Flanders Road in the Town of Southampton but which has been serving the Riverhead area for more than 20 years, has decided to eliminate funding for that center. Apparently, federal funds to the Economic Opportunity Council of Suffolk County have been cut back. The E.O.C. operates five such centers in the County of Suffolk. They decided to eliminate two of them. They decided to eliminate the one that serves the Town of Riverhead. Among other things, the center serves more than 200 people a month in the emergency food program. The center provides daily meals for more than a dozen homeless people in the Riverhead Southampton area. This center conducts a very important after school homework program, a summer youth enrichment program, a senior assistance program. They help senior citizens get various types of aid including assistance for heating bills in the wintertime in the Riverhead-Southampton area. This resolution would ask the Economic Opportunity Council of Suffolk to please reconsider their decision to eliminate funding and essentially close the door of the center which provides an important function. We're going to send copies of this to the Economic Opportunity Council and also bring this to the attention of our Congressman George Hochbrueckner, our County Executive, our Legislator and Legislator Elect as well as the Town of Southampton. I move 823 urging support for funding for this center."

Supervisor Janoski, "I'd like to bring up a matter and it concerns resolution #798 which makes the SEQRA determination on the special permit of Robert and Marie Andrews. The Board also, in making that decision, finds that it be a change in the preexisting use less than 10% and it is the construction of greenhouses. I would wonder.... I'm sorry. Farmstand. I get confused. I would just ask the Board if they would consider a resolution which would grant that special permit as we are not going to go any further through any process. And that's the question."

Councilwoman Civiletti, "We have the ability to do that without holding a hearing because it's less than 10%."

Supervisor Janoski, "So I'm asking if anybody is willing to make that motion to grant that special permit for that farmstand. What has happened here ladies and gentlemen that; as a result of the Wading River Hamlet Study certain zoning changes were put in place in Wading River. Areas that were previously zoned Residential "C" were changed to Resident "A". Resident "A" does not allow in the Town of Riverhead for agricultural use such as greenhouses and farmstands which is something we'll have to deal with. This of course, is causing a hardship and delay on these two people who have been in business for some time in the

Wading River area. And what is being suggested here is rather wait the next two weeks before acting on it, that we can consider it tonight because it seems to be that we are agreed that these actions should be taken."

Councilwoman Civiletti, "My understanding is as long as it effects 10% or less of the area, we're in the same position. It's the same resident district. It's the same preexisting nonconforming use expansion."

Supervisor Janoski, "Is anyone willing to make that motion? Okay, moved and seconded."

Florence Sykora, Riverhead, "I was looking at resolution 801 of Splish Splash. I've been here and lived here about 15 years and actually, I don't think I've seen that much of a change except for traffic that runs through our town. There are, yes, new homes that have been erected which we have to put services out for. I'm just wondering and thinking, is this what we're only good for? Is this what the Town of Riverhead is actually good for? To bring something like this into town to give to our children that they have no future in this area to look for a position that they can make something out of themselves. But to get a half way thing that would be only used in the summertime. There would be no recreation as far as winter is concerned for the children in the area. Maybe you can put it to another use. If it doesn't work out, you've got the liner there. You may be able to use it for your garbage."

Supervisor Janoski, "Florence, I think I have to point out that we're not making the application. I don't see any reason for you to be angry with us. We don't own the property and we're not making the application. Was there someone else who wished to speak? Bill."

Bill Roberts, Baiting Hollow, "Same subject; Splish Splash. The owner signed a lease with War Survival for two years for War Survival Games to use the property and now he's trying to sell it to someone else. Is that the way I understand it?"

Supervisor Janoski, "If you say so Bill."

Bill Roberts, "I thought the Board put severe restrictions on how they can use the property but I thought it was a two year lease."

Supervisor Janoski, "Well, I don't know. I see that the attorney for the applicant has left. I am given to understand that for whatever reason, Mr. Braun has lost the lease to the property and that the owner has every right to sell it."

Councilwoman Civiletti, "Someone can also sell subject to a lease. I don't know that he's got the lease or he hasn't. And the restrictions we put were in the context of a special permit

granted to the user and not for the use of the land forever after. It was in connection with the operation of that particular activity."

Bill Roberts, "Thank you."

George Dalecki, Wading River, "Not having a copy of the resolutions in my hand at the time, I was wondering if you couldn't run by me again the purpose of resolution #804. That was just to hold a hearing on increased permit fees or is it to in fact....?"

Supervisor Janoski, "It's to hold a hearing."

George Dalecki, "Thank you."

Supervisor Janoski, "Warren."

Warren McKnight, Wading River, "In reference to Denise Civiletti about the closing of the funding of the Community Center, how can a private citizen get a hold of the resolution and the information in reference to that as soon as possible?"

Supervisor Janoski, "Give him a copy."

Warren McKnight, "Thank you."

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 9:36 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk